UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,497	02/06/2002	Brian John Cragun	ROC920010191US1	7229

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EXAMINER
KRISCIUNAS, LINDA MARY

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/068,497	CRAGUN ET AL.
	Examiner	Art Unit	
	Linda Krisciunas	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 February 2002</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-40</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☒ Claim(s) <u>40</u> is/are allowed.
6)☒ Claim(s) <u>1-9 and 21-23</u> is/are rejected.
7)☒ Claim(s) <u>10-20 and 24-39</u> is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>06 February 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>Feb 6, 2002</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   The following is a Non Final Office Action in response to the application filed

February 6, 2002. Claims 1-40 are pending.

Information Disclosure Statement

2.   The information disclosure statement (IDS) submitted on February 6, 2002 is in

compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure

statement is being considered by the examiner.

Specification

3.   Applicant is reminded of the proper language and format for an abstract of the

disclosure.

The abstract should be in narrative form and generally limited to a single

paragraph on a separate sheet within the range of 50 to 150 words. It is important that

the abstract not exceed 150 words in length since the space provided for the abstract

on the computer tape used by the printer is limited. The form and legal phraseology

often used in patent claims, such as "means" and "said," should be avoided. The

abstract should describe the disclosure sufficiently to assist readers in deciding whether

there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information

given in the title. It should avoid using phrases which can be implied, such as, "The

disclosure concerns," "The disclosure defined by this invention," "The disclosure

describes," etc.

The abstract of the disclosure is objected to because the length exceeds the maximum allowable word count. Correction is required. See MPEP § 608.01(b).

Allowable Subject Matter

4.   Claims 10-20 and 24-39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5.   Claim 40 is allowed.

6.   The following is a statement of reasons for the indication of allowable subject matter: The cited prior art fails to teach the total combination of all the limitations and functionality of claim 40. The closest prior art references are Comny et al (US 6,101,480), Zweben et al (US 6,216,109) and Hotaling et al (US 5,124,912). Comny teaches storing meeting automation properties for scheduled meetings as well as calculating a conflict score (see claim 7 for art citations) and list of potential times or best fit times for meeting insertion and rescheduling (see claim 1 for art citations). Hotaling teaches allowing attendees to leave early (see claim 4 for art citations). Zweben teaches calculating a conflict score (column 6, lines 13-15) as well and weighting the relative importance of the various factors associated with rescheduling (column 5, lines 60-65). Neither Comny, Zweben nor Hotaling teach individually or in combination the limitations of claim 40 that include: a move premium value, a shorten premium value, a leave premium value and a plurality of approval options for moving,

and shortening **in combination** with an attendee selected notification options for

moving, shortening and for allowing attendees to leave early. For this reason, claim 40

is allowed over the prior art references.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

8.   Claims 1-3, 5-7 and 21-23 are rejected under 35 U.S.C. 102(e) as being

anticipated by Comny et al (US 6,101,480).

As per claims 1, 5 and 21, Comny teaches an electronic calendar meeting

scheduling program (hereinafter referred to as "program") storing meeting automation

properties defined for each scheduled meeting (See Figure 1: database (200) contains

the user profiles, user calendar files and names and addresses which are used in

conjunction with the server (204) and the user system (206) to schedule meetings); the

program utilizing said stored meeting automation properties identifying a solution time

block for automated meeting insertion and rescheduling (Fit determination unit (306)

and best fit determination unit (308) are used to schedule the meetings, taking into

consideration attendee conflicts); and the program utilizing said stored meeting

automation properties to change conflicting scheduled meeting for said identified

solution time block for automated meeting insertion and rescheduling (column 4, lines

56-67, where the best fit determination unit (308) is used to determine the next best fit

for a meeting once a conflict is encountered.).

As per claim 2, Comny teaches the program utilizing stored meeting automation

properties to change each conflicting meeting includes the program moving each

conflicting meeting from the identified solution time block to a different time block (As

noted in Figure 4-5, alternate times are viewed to determine unavailability time and then

recommended times are provided as those that are the next best fit.).

As per claim 3, Comny teaches the program moving each conflicting meeting

includes the program changing a meeting length of one of the conflicting meeting

(Comny teaches the parameters for the best fit search are entered into the GUI in

Figure 5 by the user and can be modified to accommodate the recommended times

found. These parameters include duration of the event as indicated in column 7, lines

60-66).

As per claims 6 and 22, Comny teaches the program stores meeting attendee

automation properties defined for each attendee of each meeting (invitee profile (202) is

stored in the profile database (300) which contains the invitee's availability time); and

the program utilizes the properties and stored meeting attendee to identify the solution

time block for automated meeting insertion and rescheduling (See Figure 5 where the

best fit determination unit solves for the best fit time slot (column 1, lines 57-59) and

proposes recommended times for the meeting (15)).

As per claims 7 and 23, Comny teaches the program utilizing the stored

automation properties to calculate a conflict score and action list for each potential time

block for automated meeting insertion and rescheduling (Comny calculates an

unavailability value, column 6, lines 46-54, which represents conflicts with attendees for

the meeting being scheduled and therefore constitutes a type of conflict score. As noted

in Figure 6, there is a list of attendees and their respective availability time as indicated

by the color coded keys at the bottom. With each person that is unavailable the system

has to find the next best time that fits their schedule. This listing of names with coded

availability time represents an action list as these people require the action of finding

another suitable time for the meeting); and the program utilizes the conflict score and

action list to identify the solution time block for automated meeting insertion and

rescheduling (the unavailability values are used in conjunction with the attendee

calendar information in the best fit determination unit to find the solution time block for

rescheduling the meeting as previously indicated in claim 7 (column 1, lines 57-59)).

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

10.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Comny et

al (US 6,101,480) in view of Hotaling et al (US 5,124,912).

As per claim 4, Comny does not explicitly teach a leave early function. Hotaling teaches that it is known that the program moves each conflicting meeting which includes enabling an attendee leave early function with as least one conflicting meeting (column 7, lines 30-38 where the act of blocking and unblocking the attendee allows for them to leave the meeting early and return later). Hotaling is an analogous art as it also teaches about scheduling optimization. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the scheduling system of Comny with the leave early function of Hotaling to provide means for capturing accurate attendance at the meeting.

11.   Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Comny et al (US 6,101,480) in view of Zweben et al (US 6,216,109).

As per claim 8, Comny teaches the conflict score (as previously indicated in claim 7) but does not explicitly teach a calculated move score. Zweben teaches that it is known to calculate a move score for each meeting altered for automated meeting insertion and rescheduling (column 6, lines 11-29, where the system scores a schedule based upon the relative importance of each constraint and the degree of violation of each constraint and an optimal schedule is selected based upon the scores determined. Zweben teaches a constraint can include any condition, requirement, limitation or exception (column 14, lines 23-29). This constitutes a move score since a move score encompasses the number of attendees and type of attendee (required vs optional) requiring the move as well as those requiring approval which would all be encompasses in the constraints of Zweben.). Zweben is an analogous art as it also teaches about

scheduling optimization. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the scheduling system of Comny with the move score feature of Zweben to provide means for assessing the best change in meeting parameters as indicated by causing the least moves.

As per claim 9, Comny teaches scoring based upon attendees (column 9, lines 55-56 where it is specified whether the attendee is required or optional and column 2, lines 29-33 where there is weighting associated with required attendees which indicates a difference in scoring as a function of the type of attendee.). Comny does not explicitly teach a move score. Zweben teaches the move score (as previously indicated in claim 8).

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art also teaches scheduling optimization: Levinson (US 6,047,260), Elzinga et al (US 2003/0065544), Vincent (US 5,050,077), Fitzpatrick et al (US 5,774,867), Levinson (US 7,027,996), "Experience with a learning personal assistant" by Mitchell et al, School of Computer Science, Carnegie Mellon University, white paper, Communications of the ACM, July 1994; "Toward Intelligent Meeting Agents" by Chen et al, IEEE, 1996; and "Supply Chain planning optimization: Just the facts" by Larry Lapide, www.e-optimization.com, 1998.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Krisciunas whose telephone number is 571-272-

6931. The examiner can normally be reached on Monday through Friday, 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LMK

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